

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
Civil Action No. 5:07-CV-00298-BR

LAFACE RECORDS, LLC, *et al*,)
)
Plaintiffs,)
)
vs.)
)
DOES 1 – 38,)
)
Defendants.)
)
)

MOTION BY DEFENDANT DOE #33 TO
VACATE THE ORDER GRANTING
EXPEDITED DISCOVERY, TO DISMISS
THE COMPLAINT, TO QUASH THE
SUBPOENA, AND TO DISMISS FOR
IMPROPER JOINDER

NOW COMES Defendant, Doe #33, by and through counsel, and moves the Court to vacate the order granting expedited discovery to Plaintiffs, [docket entry #5] pursuant to 17 U.S.C. §§ 512(a), (c)(3)(A), (h), and (k)(1)(A); to quash the subpoena issued by Plaintiffs' counsel to non-party North Carolina State University [affidavit filed at docket entry #6] pursuant to 20 U.S.C. § 1232g, 17 U.S.C. § 512(h), and Fed. R. Civ. P. 45(c)(3); and to dismiss the claims against Doe #33 for improper joinder under Rule 20 Fed. R. Civ. P.. Doe #33 incorporates herewith the brief and evidence filed this same day by Does #1, #18, #19, #26, #31, #35, and #38 in support of the relief sought.

Respectfully submitted, this 16th day of October, 2007.

By: /s/ Stephen E. Robertson
Stephen E. Robertson
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CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of October, 2007, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

Lacey M. Moore
Nexsen Pruet Adams Kleemeier, PLLC
210 South Tryon St.
Suite 1200
Charlotte, NC 28202
lmoore@nexsenpruet.com

And I hereby certify that I will serve the document by e-mail and U.S. Mail to the following non-party:

David T. Drooz
Senior Associate General Counsel
North Carolina State University
Box 7008
Raleigh, NC 27695-7008
dtdrooz@gw.fis.ncsu.edu

By: /s/ Stephen E. Robertson
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